

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:

**HEALTH DIAGNOSTIC LABORATORY,
INC., et al.,**

Debtors.¹

**RICHARD ARROWSMITH AS
LIQUIDATING TRUSTEE OF THE HDL
LIQUIDATING TRUST,**

Plaintiff,

v.

CAROLINA INTERNAL MEDICINE, P.A.,

Defendant.

Chapter 11

Case No.: 15-32919-KRH

Jointly Administered

Adv. Proc. No. 17-03187-KRH

NOTICE OF MOTION FOR ENTRY OF DEFAULT AND DEFAULT JUDGMENT

PLEASE TAKE NOTICE that on September 7, 2018, Richard Arrowsmith, in his capacity as Liquidating Trustee of the HDL Liquidated Trust (the “**Liquidating Trustee**”), appointed pursuant to the Debtors’ confirmed Modified Second Amended Plan of Liquidation (the

¹ The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification number, are: Health Diagnostic Laboratory, Inc. (0119), Central Medical Laboratory, LLC (2728), and Integrated Health Leaders, LLC (2434).

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“**Plan**”)² in these jointly administered bankruptcy cases (the “**Chapter 11 Cases**” or the “**Cases**”), by his undersigned counsel, filed with the United States Bankruptcy Court for the Eastern District of Virginia, Richmond Division a *Motion for Entry of Default and Default Judgment* [Docket No. 9] (the “**Motion**”).

PLEASE TAKE FURTHER NOTICE that a copy of the Motion may be obtained at no charge at www.americanlegal.com/HDL or for a fee at <https://ecf.vaeb.uscourts.gov>.

PLEASE TAKE FURTHER NOTICE on June 29, 2016, the Court entered the *Order Establishing Certain Post-Confirmation Notice, Case Management and Administrative Procedures* [Docket No. 1261] (the “**Post-Confirmation Case Management Order**”), which approved the Notice, Case Management and Administrative Procedures attached as Exhibit 1 to the Post-Confirmation Case Management Order (the “**Post-Confirmation Case Management Procedures**”). On May 26, 2016, the Court entered its *Order Establishing Procedures for the Prosecution and Resolution of Avoidance Claims* [Docket No. 1135] (the “**Avoidance Procedures Order**”). On May 26, 2017 the Court entered its *Order Approving Amended Procedures Governing Avoidance Action Adversary Proceedings* [Docket No. 2740] (the “**Amended Avoidance Procedures Order**,” and together with the Avoidance Procedures Order and Post-Confirmation Case Management Order, the “**Procedures Orders**”). The Procedures Orders, among other things, proscribe the manner in which Objections must be filed and served, and set forth when certain hearings will be conducted. Copies of the Procedures Orders may be obtained at no charge at www.americanlegal.com/HDL or for a fee at <https://ecf.vaeb.uscourts.gov>.

PLEASE TAKE FURTHER NOTICE that **YOUR RIGHTS MAY BE AFFECTED**. You should read the Motion carefully and discuss it with your attorney, if you have one in the Chapter 11 cases. (If you do not have an attorney, you may wish to consult one.)

MOREOVER, UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE COURT AND SERVED ON THE LIQUIDATING TRUSTEE WITHIN 21 CALENDAR DAYS OF THE MAILING OF THIS MOTION, THE COURT MAY DEEM ANY OPPOSITION WAIVED, TREAT THE MOTION CONCEDED AND ENTER AN ORDER GRANTING THE RELIEF REQUESTED WITHOUT A HEARING.

Critical Information for Defendant
Choosing to File a Response to the Motion

Who Needs to File a Response: If you oppose the Motion, then you must file and serve a written response (the “**Response**”) to the Motion in accordance with this Notice.

If you do not oppose the Motion, then you do not need to file a written Response to the Motion.

² Unless otherwise defined herein, capitalized terms shall have the meanings ascribed to them in the Plan.

Response Deadline: The Response Deadline is **4:00 p.m. prevailing Eastern Time on September 28, 2018 (the “Response Deadline”).**

THE BANKRUPTCY COURT WILL ONLY CONSIDER YOUR RESPONSE IF YOUR RESPONSE IS FILED, SERVED AND RECEIVED BY THE RESPONSE DEADLINE.

Your Response will be deemed timely filed only if the Response is **actually received** on or before the Response Deadline by the Bankruptcy Court at the following address:

Clerk of the Bankruptcy Court
United States Bankruptcy Court
701 East Broad Street
Richmond, Virginia 23219

Your Response will be deemed timely served only if a copy of the Response is **actually received** on or before the Response Deadline by the Liquidating Trustee’s attorneys at the following address:

Cullen D. Speckhart
WOLCOTT RIVERS GATES
200 Bendix Road, Suite 300, Virginia Beach, Virginia 23452
Telephone: (757) 497-6633
Direct: (757) 470-5566
Email: cspeckhart@wolriv.com

For the avoidance of doubt, electronic service in accordance with rule 5005-2 of the Local Rules of the United States Bankruptcy Court for the Eastern District of Virginia and the Court’s Electronic Case Files Policy will be deemed valid and effective service under the Procedures Orders.

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Failure to File Your Timely Response. If you fail to file and serve your Response on or before the Response Deadline in compliance with the procedures set forth in this Notice, the Liquidating Trustee will present to the Bankruptcy Court an appropriate order granting the relief requested in the Motion without further notice to you.

DATED: September 7, 2018

Respectfully submitted,

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*Counsel to Plaintiff Richard Arrowsmith,
Liquidating Trustee of the HDL Liquidating
Trust*

CERTIFICATE OF SERVICE

I certify that on September 7, 2018, a true copy of the foregoing *Notice of Motion for Entry of Default and Default Judgment*, was sent by First Class, postage prepaid mail, to the following:

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/s/ Cullen D. Speckhart
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